

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

AJAX ENTERPRISES,	:	
AJAX ENTERPRISES, INC.	:	
AJEX ENTERPRISES, INC.	:	
UJEX ENTERPRISES, INC.	:	
Q-TOWN, INC.	:	
TJAX INVESTMENT CORP.	:	
Plaintiffs,	:	Civil Action No.
	:	04-4539 (NLH)
v.	:	
DECLAN FAY, INDUSTRIAL	:	ORDER
INSURANCE AGENCY, AND JOHN	:	
DOES 1-100,	:	
Defendants,	:	
DECLAN FAY,	:	
Defendant/Third	:	
Party Plaintiff	:	
v.	:	
INSURANCE AGENCY	:	
Cross Claim	:	
Defendant	:	
DALE FULLER, SAFETY ALLIANCE	:	
GROUP, and INDUSTRIAL	:	
Third Party	:	
Defendants	:	
INDUSTRIAL INSURANCE AGENCY	:	
Defendant/Third	:	
Party Plaintiff	:	
v.	:	
DECLAN FAY	:	
Cross Claim	:	
Defendant	:	
DALE FULLER, SAFETY ALLIANCE	:	
GROUP, ROBERT MITCHELL, PEO	:	
SOLUTIONS, and RKM AGENCY	:	
Third Party	:	
Defendants	:	

APPEARANCES:

Andrew L. Indeck, Esq.
Scarinci & Hollenbeck, LLC
1100 Valley Brook Avenue
PO Box 790
Lyndhurst, NJ 07071
Attorney for Ajax Enterprises, Ajax Enterprises, Inc., Ajex Enterprises, Inc., Ujex Enterprises, Inc., Q-Town, Inc. and Tjax Investment Corp.

Christopher Philip Leise, Esq.
White & Williams, LLP
Liberty View
457 Haddonfield Road
Suite 400
Cherry Hill, NJ 08002-2220
Attorney for Declan Fay

Evelyn Cadorin Farkas, Esq.
David C. Donohue, Esq.
Farkas & Donohue, LLC
389 Passaic Avenue
Fairfield, NJ 07004
Attorneys for Industrial Insurance Agency

HILLMAN, District Judge

For the reasons expressed in this Court's Opinion entered on this date,

IT IS HEREBY ORDERED this 31st day of August, 2007, that:

- (1) Defendants' motion for summary judgment [53] is granted in part and denied in part;
- a. request to dismiss plaintiffs' claims under the doctrine of unclean hands is **DENIED**;
 - b. request to dismiss plaintiffs' claim for damages regarding reimbursement for payments plaintiffs made to claimants that fell below the \$100,000.00

deductible is **GRANTED**;

- c. request to dismiss plaintiffs' claim for damages regarding the premiums it paid to Safety Alliance is **DENIED**.
- d. request to dismiss plaintiffs' claim for attorneys' fees is **DENIED**.

(2) Plaintiffs' cross motion for summary judgment is granted in part and denied in part:

- a. request to declare Safety Alliance did not exist as an insurance company during the relevant time period is **GRANTED**;
- b. request to grant summary judgment in plaintiffs' favor and find that defendants acted as brokers and breached their duty to plaintiffs is **DENIED**.

s/Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.

At Camden, New Jersey